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Letter dated 24 November 2004 from the Permanent Representative of Cyprus to the United Nations addressed to the Chairman of the Committee

Upon instructions of my Government, I have the honour to submit herewith the first report of the Republic of Cyprus on the implementation of Security Council resolution 1540 (2004), further to your note verbale dated 21 June 2004 (see annex).

(*Signed*) Andreas D. Mavroyiannis

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Annex to the letter dated 24 November 2004 from the Permanent Representative of Cyprus to the United Nations addressed to the Chairman of the Committee

Republic of Cyprus

Implementation of Security Council resolution 1540 (2004)

National Report

I. Introduction

The Republic of Cyprus reiterates its full support for the universalisation, full implementation and strengthening of all multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons.

In this context we recognize the importance of the unanimous adoption of Security Council Resolution 1540 (2004) as the first UNSC resolution to address the issue of the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security and to highlight the need for an enhanced coordination of efforts on national, subregional, regional and international levels in order to meet this serious challenge and to strengthen the global response to it.

The Republic of Cyprus has taken a number of legislative and executive measures to comply with binding legal obligations under treaties to which it is party and other commitments made in the context of the prevention of the proliferation of nuclear, chemical or biological weapons. These measures and policies which are reviewed and updated on a regular basis, are outlined below.

II. Overview of Legal, Executive and Enforcement Action

1. International Instruments related to WMD ratified by the Republic of Cyprus

Disarmament and Non-proliferation Agreements

- **Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare (17 June 1925)**
  The Republic of Cyprus deposited its instrument of succession on 12 December 1966
- **Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (5 August 1963)**
  The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 21 April 1965, 15 April 1965 and 7 May 1965, respectively,Law No. 13/1965
- **Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (27 January 1967)**
  The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 20 September 1972, 5 July 1972 and 5 July 1972, respectively, Law No. 42/1972
- **Treaty on the Non-Proliferation of Nuclear Weapons (1 July 1968)**
  The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 10 February 1970, 5 March 1970 and 16 February 1970, respectively, Law No. 8/1970
- **Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (11 February 1971)**

The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 17 November 1971, 17 November 1971 and 30 December 1971, respectively, Law No. 63/1974

- **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (10 April 1972)**
  The Republic of Cyprus deposited its instrument of ratification with the Governments of the Russian Federation, United Kingdom and United States of America on 21 November 1973, 6 November 1973 and 13 November 1973, respectively, Law No. 56/1973
- **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (13 January 1993)**
  Ratified on 28 August 1998, Law No. 8(III)/1998
- **Comprehensive Nuclear-Test-Ban Treaty (24 September 1996)**
  Ratified on 18 July 2003, Law No. 32(III)/2003

In the context of the IAEA:

- **Agreement for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (26 June 1972)**
  Signed on 18 January 1973, Law No.3/1973

- **Protocol Additional to the Agreement for the Application of Safeguards in Connection with the Treaty of the Non-Proliferation of Nuclear Weapons (29 July 1999)**
  Signed on 9 August 2002, Law No. 27(III)/2002

- **Convention on the Physical Protection of Nuclear Material (3 March 1980)**
  Ratified on 23 July 1998, Law No. 3(III)/1998

- **Convention on Nuclear Safety (20 September 1994)**
  Acceded on 17 March 1999, Law No. 20(III)/1999

Other international instruments:

- **The Rotterdam Convention on the Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade**
  Ratified in 2004, Law No. 20(III)/2004

2. Membership in Export Control Regimes

- **Nuclear Suppliers Group**
  The Republic of Cyprus joined the NSG on 20 April 2000
- **Australia Group**
  The Republic of Cyprus joined the Australia Group in October 2000
- **Missile Technology Control Regime**
  The Republic of Cyprus has applied for full membership in July 2003

- **Wassenar Arrangement**
  The Republic of Cyprus has applied for full membership in August 2003

3. Participation in other initiatives aimed at preventing the proliferation of WMD

- **Hague Code of Conduct against the Proliferation of Ballistic Missiles (25 November 2002)**

- **Proliferation Security Initiative (31 May 2003)**
  The Council of Ministers, in its decision dated 5.5.2004, declares its full support to the said initiative. Furthermore, on 11.06.2004, the Minister of Foreign Affairs of the Republic of Cyprus announced the intention of Cyprus to participate in the initiative. The Republic of Cyprus, supports the principles and goals of the PSI, and is willing to cooperate with all PSI participating states for the furtherance of these goals.

4. Activities as a member of the European Union

As of May 1st 2004 the Republic of Cyprus is a member of the European Union. The present report is therefore complementary to the EU report on the implementation of UNSC resolution 1540.

The Thessaloniki European Council in June 2003 agreed that preventing the proliferation of WMD should be a priority for the European Union, both internally and in its relations with third countries and agreed an Action Plan for addressing the issue.

As a member of the EU, Cyprus is engaged in the full and comprehensive implementation of the EU Strategy and Action Plan against the proliferation of WMD.
In particular, it is fully committed to:

- *pursuing the universalisation of disarmament and non-proliferation agreements while stressing the importance of effective national implementation;*
- *ensuring compliance with non-proliferation commitments by making best use of and, when appropriate, strengthening international inspection/verification mechanisms;*
- *strengthening export control policies;*
- *introducing a stronger non-proliferation element in relationships with some partners;*
- *expanding co-operative threat reduction initiatives and assistance programmes;*

5. Legislative and Administrative Measures

The Republic of Cyprus has a broad range of legislative measures in place to prevent the proliferation of WMD, including by non-state actors. The main laws are:

- **The Defence (Exportation of Goods) Regulations of 1993**
- **The Customs Law No. 94(I) of 2004**

Also:

- **The Safety and Health at Work Law of 1996, Law No.89(I)/1996**
- **The Dangerous Substances Law of 1991, Law No. 199/91**
- **The Protection from Ionising Radiation Law of 2002, Law No. 115(I)/2002**
- **The Genetically Modified Microorganisms (Contained Use) Law of 2002, Law No. 15(I)/2004**
- **The Law Regulating the Brokering in the Exchanges of Certain Goods, Law No. 83(I)/2003**

Under these laws, regulations or ministerial decrees are issued in order to address and regulate specific issues. (Ministerial decrees are a form of delegated legislation and have the status of a public instrument).

The most important regulations/ministerial decrees which address specific matters raised in UNSC resolution 1450 are the following:

- **Under the Defense (Exportation of Goods) Regulations of 1993**
  The said Regulations provide for the criminalization of the offences prescribed in the decrees outlined below.

- **Ministerial Decrees 91/2000 (31.3.2000) and 133/2000 (2.6.2000)**
  It regulates the exportation, re-exportation or transit of goods and substances in compliance with the obligations which emanate from the membership of the Republic of Cyprus in the Nuclear Suppliers Group and the Australia Group.

- **Ministerial Decree 354/2002 (26.7.2002)**
  Decree for the Regulation of Arms Exports, Obligations of the Republic of Cyprus in compliance with the EU Code of Conduct on Arms Exports

- **Ministerial Decree 355/2002 (26.7.2002)**
  Decree for the Regulation of Exports of Dual Use Goods and Technology in compliance with EU Regulation 1334/2000 of 22.6.2000

- **Ministerial Decree 62/2003 (31.1.2003)**
  Amendment of the Defense (Exportation of Goods) Regulations of 1993.
  The said amendments aim at expanding the legal regime of the issuance of exportation licenses to dual use goods and the exportation of military equipment.

- **Ministerial Decree 528/2003 (13.6.2003)**
  This Decree updates the list of Ministerial Decree 355/2002 which regulates the exportation of dual use goods.

- **Ministerial Decree 601/2004 (11.6.2004)**
  This Decree further amends Ministerial Decree 355/2002 by incorporating EU Regulation 1334/2000.

- **Ministerial Decree 602/2004 (11.6.2004)**
  This Decree updates Ministerial Decree 354/2002 of 26.7.2002 by amending the list of military equipment which is subject to export licensing.

Based on the Safety and Health at Work Law of 1996

- **The control of Major Accidents Hazards Related to Dangerous Substances Regulations of 2001, P.I. 507/2001**

- **The control of Major Accidents Hazards Related to Dangerous Substances Notification of 2002, P.I. 211/2002**

Based on the Dangerous Substances Law of 1991

- **The Dangerous Substances (Amendment) Laws of 1997, 2002 and 2004, Laws 27(I)/97, 81(I)/2002, 194(I)/2004**

- **The Dangerous Substances (Classification, Packaging and Labelling of Dangerous Substances and Preparations)(Amendment) Regulations of 2002 and 2004, P.I. 292/2002, 536/2004**

6. Executive/Enforcement Action

A number of mechanisms have been set up to implement Cyprus' obligations and policies in relation to counter WMD proliferation. These are:

- **National Committee for the implementation of the Convention on the Prohibition of Chemical Weapons**

- **Committee on Export Control of the Ministry of Trade and Industry**

- **National Intelligence Unit of the Customs and Excise Department**

- **Special Anti-smuggling Team of the Customs and Excise Department**

- **Mobile Units of the Customs and Excise Department**

More specifically action is coordinated by the:

Coordinating Unit to Combat International Terrorism

This Unit was set up on 12.12.2001 after a Decision by the Council of Ministers for the purpose of coordinating the activities of the relevant Ministries and Departments in the fight against terrorism and in the suppression of illegal activities. The competences of the Unit cover the areas of illegal arms sales and brokerage, illicit arms trafficking as well as trafficking of harmful chemical substances and of dual-use goods.

The Unit is chaired by the Deputy Attorney-General and consists of representatives from a wide range of departments.

7. Areas of Competence of Governmental Agencies

Ministry of Trade, Industry and Tourism

The Ministry of Trade, Industry and Tourism is responsible for the issuance of export licenses, in relation to the export, re-export and transit of dual use goods and other military equipment. The approval or rejection of an application for the issuance of an export license is based on a number of factors, including Cyprus? obligations pursuant to UNSC, EU, OSCE decisions or other obligations undertaken in the context of its membership to the Export Control Regimes, the credibility of the parties concerned, the political situation in the recipient country, human rights considerations and the end use of the goods.

In considering these requests the Ministry of Commerce, Industry and Tourism has to consult, on a case by case basis, with other Ministries and Departments such as the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Justice and Public Order, the Customs and Excise Department and the Ministry of Health.

Department of Labour Inspection

The Department of Labour Inspection of the Ministry of Labour and Social Insurance has competence in the area of nuclear safety, health and safety at work, control of dangerous chemicals and GMMs. It also oversees the implementation of the relevant legislation in cooperation with other Government Departments.

Customs and Excise Department

The Customs and Excise Department has the main responsibility for preventing the import and export of unlicensed goods, investigating offences and taking appropriate action including prosecution of offenders.

More specifically, its main competences lie in the enforcement of national legislation providing for prohibitions and restrictions in the import and export of sensitive goods. It is empowered with, inter alia, conducting a physical examination of goods, requesting the procurement of the necessary documents, carrying out searches of persons, premises, customs controlled areas, vehicles, vessels or aircrafts in accordance with existing legislation, taking samples, having access, detaining or seizing goods or documents, conducting audit controls, instituting legal proceedings before the appropriate court and fostering international collaboration on customs issues with other customs departments.

III. Operative part of UNSC resolution 1540

Operative paragraph 1
Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

The Republic of Cyprus does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such activity or support is prohibited under Cyprus law. The relevant Cyprus legislation has been outlined in the previous section, under Legislative and Administrative Measures.

Operative paragraph 2
Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Obligations under NPT, CTBW and CWC are enacted in Cyprus law.

Law No. 3(III)/1998 establishes the offence of the development, production, supply, stockpiling, use and transfer of chemical weapons. Maximum penalty is 15 years.

Operative paragraph 3
Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

There are a number of measures in force to establish effective domestic controls including the Radiation Inspections and Control Service in the Department of Labour Inspection which operates a licensing system for ionizing radiation sources and relevant practices, including nuclear material.

Strict controls are also provided for under the Dangerous Substances and Major Hazards legislation of the Department of Labour Inspection.

For the more effective control of these materials the Department of Labour Inspection is in close collaboration with the Customs and Excise Department.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

The control and checks on the exportation of sensitive goods is the responsibility of the Department of Customs and Excise. Customs officers are empowered by Customs legislation to check whether the goods to be exported are subjected to an export license and to verify that it corresponds to the goods that are to be exported.

The legal basis for the enforcement of import and export control is Customs Code Law No. 94(I) of 2004 together with other national legislation providing for prohibitions and restrictions on the import and export of sensitive goods.

In addition to the existing mechanisms and in order to exercise more effective controls in the movement of certain goods a Special Anti-smuggling Team was set up in July 2002 by the Customs and Excise Department at Limassol Port.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Please see above in 5. Legislative and Administrative Measures, under Section II. Overview of legal, executive and enforcement measures the enumeration of the existing export control system in place.

Operative paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention

or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

The Republic of Cyprus is a State Party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention(CWC) and the Biological and Toxin Weapons Convention(BTWC). The Republic of Cyprus is also a member of the IAEA and the OPCW and participates in the continuing work by the States Party to strengthen the verification mechanism and implementation of the BTWC.

Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

The Republic of Cyprus supports the system of effective multilateral export control regimes. It is a member of the Nuclear Suppliers Group and the Australia Group since 2000 and has applied for full membership to the Missile Technology Control Regime and the Wassenar Arrangement in 2003. It has also signed the Code of Conduct Against Ballistic Missile Proliferation.

The Republic of Cyprus maintains and regularly updates national export control lists.

Operative paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

The Republic of Cyprus has taken the following action:

- *EU Common Position, November 2003, on the universalization of the main multilateral non-proliferation agreements (NPT, BTWC, CWC)*

In the context of the EU it has aligned with the EU policies of lobbying for the universalization of the IAEA Comprehensive Safeguards Agreement and Additional Protocol, the inclusion of a non-proliferation clause in EU-third country mixed agreements and in the EU lobbying for non-state parties to join multilateral treaties, in order to achieve their universalization.

Operative paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where, necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

The Republic of Cyprus has consistently supported the universal adoption, full implementation and strengthening of multilateral treaties for the prevention of nuclear, biological or chemical weapons to

which it is party. In this context, it has participated in the process of the strengthening of the verification mechanism and implementation of the BTWC.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

The Republic of Cyprus has enacted national rules and regulations for compliance with commitments undertaken as party to key multilateral non-proliferation treaties. It regularly updates its legislation to meet its obligations.

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

The Republic of Cyprus has been a staunch supporter of multilateral cooperation in all international fora in pursuance of common objectives in the area of non-proliferation and promotion of international cooperation for peaceful purposes.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Exporters are informed about control requirements through publications in the press and through the official website of the Ministry of Commerce, Industry and Tourism. Announcements are also sent to the Cypriot Chamber of Commerce and to the Employers and the Industrialist Federations.

In addition, a relevant exporter guide is being prepared.

Operative paragraph 9
Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

The Republic of Cyprus has been working very closely with its partners bilaterally and in all relevant international fora, both as a member of the EU and the Export Control Regimes to promote dialogue and cooperation on non-proliferation and on how best to address the threat posed by proliferation of nuclear, chemical and biological weapons and their means of delivery.

Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

The Republic of Cyprus fully supports taking cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.